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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE A.J.SADASHIVA

WRIT PETITION No. 28876/1991

BETWEEN:

Sri.R.G.Nanjundappa,
since dead by his L.Rs:-

(a) Smt.Nagarathnamma, w/o
Late R.G.Nanjundappa, aged
about 52 yrs., agriculturist.

(b) Sri.Ravi, s/o Late R.G.
Nanjundappa, Minor, by Natural
Guardian, Smt.Nagarathnamma.

Both are r/a Kommaghatta, Kengeri
Hobli, Bangalore South Tq.,

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.. Petitioners

(By Sri K.S.Subba Rao, Adv.,)

AND:

1. The State of Karnataka rep by
its Secretary to Revenue Dept.,
Vidhana Soudha, Bangalore-1.
 2. The Land Tribunal, Bangalore
South Tq., Bangalore, rep by
its Secretary.
 3. Sri.R.N.Mallikarjunaiah, s/o
Late Nanjundaiah, major.
since deceased by his L.Rs:-
(a) Sri.Basavaradhya, s/o Late
Mallikarjunaiah, aged about 58 yrs.,
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r/a Kommaghatta Village,
Kengeri Hobli, Sulegere Post,
Bangalore South Taluk.

(R3a & b
amended as
per Court
Order dt.
5.8.1996)

(b) Smt.Gangamma w/o Mallikenchappa,
D/o Late Mallikarjunaiah, aged
about 55 yrs., r/a Magadi Road
Dasarahalli, Bangalore-57.

4. Sri.K.N.Shivakumaradhya, s/o
Late Nanjappa, aged about 53 yrs.,
5. Sri.K.N.Nanjundaradhya, s/o
Nanjappa, aged about 57 yrs.,

Respondents 3 to 5 are r/a Komma-
ghatta Village, Kengeri Hobli,
Bangalore South Tq.,

6. Sri.Beere Devaru Temple, rep by
the Tahsildar, Bangalore South Tq.,
Bangalore.

7. The Deputy Commissioner,
Bangalore Urban Dist., Krishi
Bhavan, Bangalore-1.

.. Respondents

(By Sri H.R.Jayaram, Adv., for R4 & R5;
Sri K.H.Jagadish, GA, for R1 & 2)

This C.P is filed u/s 151 of CPC r/w u/s 17 of
the KLR Act r/w Articles 226 and 227 of the Constitution
of India that for the reasons stated in the accompanying
the affidavit that this Hon'ble Court be pleased to
consider this application and the Appeal No.LRA.1196/86
filed before the Land Reforms Appellate Authority,
Bangalore, may be treated as Writ Petition, in view
of the amendment to S.17 of the Land Reforms Act.

This Writ Petition coming on for hearing this
day, the Court made the following :-

ORDER

O R D E R

In view of the decision of this Court in SRI KUDLI SRINGERI MAHASAMSTHANAM Vs. STATE OF KARNATAKA, ILR 1992 Kar 1827, the impugned order is unsustainable in law as having been made by the Tribunal without authority of law.

2. The applications filed by the petitioner and respondents 3, 4 and 5 under the provisions of the Karnataka (Religious and Charitable) Inams Abolition Act, 1955 were transferred to the Land Tribunal for disposal under the provisions of the Karnataka Inams Abolition Laws (Amendment) Act, 1979 (hereinafter called "Act No.26/1979"). In the aforesaid decision this Court declared that Karnataka Act No.29/1979 is a still born and void and invalid act, in that, it is enacted by the State legislature without the necessary legislative competence. It is submitted by the learned HCGA that the Special Leave Petition filed against the said order is also dismissed.

3. Following the aforesaid decision, this petition is allowed. Rule made absolute. The order dated

h m.

July 24, 1982 passed by the Land Tribunal,
Bangalore South Taluk, in case No.LRF.INA.
2129-2130/81-82 is hereby quashed
and the matter is remitted to the Land Tribunal,
Bangalore South Taluk, with a direction to
transmit the records to the Deputy Commissioner,
Bangalore District, for hearing and disposal
in accordance with law.

4. In the circumstances of the case, there is
no order as to costs.

5. Sri.K.H.Jagadish, the learned HCGA, is
permitted to file memo of appearance within
four weeks.



Sd/-
JUDGE